

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DEVONTE B. HARRIS,

Plaintiff,

v.

ROXANNE COLEMAN,

Defendant.

Case No.: 1:20-cv-00759-ADA-SKO (PC)

**ORDER CONTINUING PRETRIAL
CONFERENCE TO JULY 24, 2023 AT 2:00
P.M. IN COURTROOM 1**

**ORDER GRANTING DEFENDANT'S
MOTION TO MODIFY THE
SCHEDULING ORDER (Doc. 62)**

**ORDER GRANTING PLAINTIFF'S
REQUEST FOR 3-DAY EXTENSION OF
TIME (Doc. 64)**

**ORDER DISCHARGING ORDER TO
SHOW CAUSE (Doc. 63)**

Plaintiff Devonte B. Harris is proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. The action proceeds on a single claim of retaliation in violation of the First Amendment against Defendant Roxanne Coleman.

I. INTRODUCTION

On February 16, 2023, the Court issued a second scheduling order directing Plaintiff to file his pretrial statement on or before June 12, 2023. (Doc. 58.)

On June 19, 2023, Defendant filed a Motion to Modify Scheduling Order. (Doc. 62.) Defendant seeks an extension of seven days following the filing of Plaintiff's pretrial statement within which to submit her own statement. (*Id.* at 3.) Defendant also requests the pretrial

1 conference be continued to a date following submission of the parties' pretrial statements that is
2 convenient for the Court. (*Id.*)

3 When Plaintiff failed to file his pretrial statement by June 12, 2023, the Court issued its
4 Order To Show Cause (OSC) Why Action Should Not Be Dismissed For Failure To Comply
5 With Court Order And Failure To Prosecute on June 20, 2023. (Doc. 63.) Plaintiff was directed to
6 respond within fourteen (14) days of the date of service of the OSC. (*Id.* at 2.)

7 Also on June 20, 2023, after issuance of the OSC, Plaintiff filed a document titled
8 "Plaintiff's Nunc Pro Tunc Request for Extension of Time to File Pretrial Statement." (Doc. 64.)
9 Plaintiff requests a 3-day extension to file his pretrial statement. (*Id.*) He states he "had a criminal
10 proceeding on 6/14/23, [he] had to prepare for," making his pretrial statement "3 days late." (*Id.*
11 at 2.) Plaintiff also filed his pretrial statement, concurrent with his extension request. (Doc. 65.)

12 II. DISCUSSION

13 This matter is presently set for a pretrial conference on June 27, 2023, and a jury trial on
14 August 29, 2023.

15 Pursuant to the Court's February 16, 2023, Order, Plaintiff was to file his pretrial
16 statement no later than June 12, 2023, and Defendant was to file a pretrial statement no later than
17 June 19, 2023. (Doc. 58 at 2.) When Plaintiff failed to file a timely pretrial statement, the Court
18 issued an OSC and Defendant moved to modify the scheduling order. Plaintiff has since filed a
19 nunc pro tunc request for a 3-day extension of time within which to file his pretrial statement,
20 concurrently with his pretrial statement. The Court will grant Plaintiff's request. The Court will
21 also modify the scheduling order, granting Defendant's motion for a 7-day extension of time
22 within which to file her pretrial statement. Additionally, the Court will continue the pretrial
23 conference from June 27, 2023, to July 24, 2023, to accommodate the Court's schedule. Finally,
24 the Court will discharge the OSC as Plaintiff's written response is no longer necessary.

25 III. CONCLUSION AND ORDER

26 For the reasons given above, **IT IS HEREBY ORDERED** that:

- 27 1. The pretrial conference scheduled for June 27, 2023, is **CONTINUED** to **July 24,**
28 **2023, at 2:00 p.m., in Courtroom 1;**

2. Defendant's motion to modify the scheduling order (Doc. 62) is **GRANTED**;

Defendant SHALL file a pretrial statement **within seven (7) days** of the date of service of this order;

3. Plaintiff's nunc pro tunc request for a 3-day extension of time within which to file his pretrial statement (Doc. 64) is **GRANTED**; and

4. The OSC issued June 20, 2023, is **DISCHARGED**.

The parties are cautioned that no further extensions of time will be entertained, nor will any request to continue the pretrial conference be considered, absent extraordinary good cause.

IT IS SO ORDERED.

Dated: **June 21, 2023**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE